



Hendry County Sheriff's Office

General Order 19.12

TITLE: Diplomatic Immunity	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: July 30, 2018	REVISION DATE: May 24, 2019
RELATED REFERENCES: CFA: 18.01	
REVIEW FREQUENCY: 3 YEARS	DATE OF NEXT REVIEW: May 24, 2022

I. PURPOSE: To establish guidelines for handling foreign nationals.

II. SCOPE: This order shall apply to all sheriffs' office members.

III. POLICY: Agency members dealing with questions of diplomatic immunity shall be mindful of the following:

- A. Safety considerations are paramount. Deputies may take any reasonable steps needed to ensure their safety and that of the general public.
 - B. Deputies are not required to ignore or condone the commission of crimes. If it is apparent that a crime is being committed, or is about to be committed, deputies may intervene to the extent necessary to stop such activity.
 - C. Deputies should work in close cooperation with federal authorities regarding cases involving diplomatic immunity.
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IV. PROCEDURE:

- A.** The Hendry County Sheriff's Office will comply with federal law and international protocol regarding the principle and practice of diplomatic immunity.
 - 1.** The Office of Protocol, U.S. Department of State, is available 24 hours per day to confirm the status of individuals claiming diplomatic immunity.
 - a.** Business Hours (8:15 a.m. - 5:00 p.m.): 202-647-1985
 - b.** Non-Business Hours: 202-647-7277
 - (1) It also investigates violations of US law by diplomatic personnel and may request waivers of immunity to allow prosecution. It is imperative that deputies complete case reports as

fully as possible before forwarding them via chain of command to the Chief Deputy, which will send them to the Office of Protocol.

- 2.** When responding to or investigating a criminal complaint, a deputy should take the following steps when confronted by a suspect claiming diplomatic immunity:
 - a.** Ask the individual claiming diplomatic immunity to produce his or her identification card issued by the US Department of State.
 - b.** If the individual is unable to produce his or her identification card issued by the US Department of State, verify the individual's status by asking the Telecommunications Center to contact the Office of Protocol.
 - c.** Notify a supervisor.
 - d.** Refer to the diplomatic immunity matrix to determine whether the individual may be detained or arrested.
 - e.** Complete a case report by the end of the shift and forward it via chain of command to the Chief Deputy, with a copy to the Criminal Investigative Division.
 - f.** As soon as possible, Chief Deputy will fax a copy of the case report to the US Department of State (202 895-3613) in Washington, D.C., or in cases involving U.N. personnel, faxed to the U.S. Mission (212 415-4162) of the U.N. in New York, NY.
- 3.** Deputies may detain all individuals claiming immunity until their status has been confirmed with the Office of Protocol. If the person attempts to leave before the deputy has been able to confirm diplomatic status, the deputy may use proper restraints, including but not limited to handcuffs.
- 4.** If the individual asks the deputy to contact his or her embassy or consulate, the deputy should do so immediately. Even without such a request, the deputy may have a legal duty to notify the person's government; this question should be referred to the Office of Protocol when confirming the person's status.
- 5. Non-Criminal Traffic Infractions**
 - a.** If a deputy stops a vehicle for a non-criminal traffic infraction, and he or she is confronted by a person claiming diplomatic immunity, the deputy may write a citation. Prior to issuing the citation, deputies should act as referenced above. However, the deputy may not compel the person to sign the citation or arrest him or her for refusing to sign it.
 - b.** If the deputy observes contraband in plain view, it may be confiscated. Since a violation of law other than a traffic infraction is then involved, the deputy should refer to the steps outlined above. If the individual is entitled to full diplomatic immunity, his or her vehicle may not be seized or searched; in addition, the person is not subject to arrest.
 - c.** If a citation is written or other law enforcement action is taken, a case report shall be completed before the end of the shift and handled as stated above, to include a copy of the ticket.
- 6. Driving Under the Influence**
 - a.** If a deputy initiates a traffic stop for possible DUI, and is confronted by a person claiming diplomatic immunity, the deputy should confirm the individual's status with the Office of Protocol. The deputy should also notify his or her supervisor.

- b. If the individual enjoys full diplomatic immunity, the deputy may not compel him or her to take a Breathalyzer test or field sobriety tests. However, if the person represents a danger to the community, the deputy may prevent him or her from driving; if necessary, the deputy may use physical restraint to do so.
- c. If a person with full diplomatic immunity is deemed to be impaired, and therefore unable to continue driving, deputies are encouraged to use the least intrusive means possible in restraining the individual. For example, if an unimpaired person is a passenger in the vehicle, the deputy may allow that person to drive.
- d. If the deputy determines that it is necessary to tow the diplomat's vehicle, an inventory of its contents should be completed.

7. Assistance

- a. If any questions arise that cannot be settled by the State Department phone contact, the Criminal Investigative Division on-call Detective may be contacted for further assistance.

V. GLOSSARY:

CONSULAR OFFICER – A consular officer is a citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country. Consular officers are assigned to foreign embassies in Washington D.C. or in other locations nationwide. Consular officers are issued identification cards by the Department of State.

DIPLOMAT – An officer of a foreign government assigned to an embassy in Washington, D.C. Many diplomatic officers are authorized by their government to perform consular functions, and thus to act as consular.

DIPLOMATIC IMMUNITY – A principle of international law that protects channels of communication between governments by exempting diplomats from local jurisdiction. It allows diplomats to perform their duties with freedom and security. By affirming this principle, the United States protects its own diplomatic personnel stationed abroad.

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